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February 25, 1985

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Re: U.S.A., et al. v. Reilly  
Tar & Chemical Corp., et al.  
File No. Civ. 4-80-469

Gentlemen:

In my letter of December 7, I referred to the possible need to add an analytical chemist to Reilly's witness list. At that time I thought this would not be necessary if we could stipulate to foundation on all analytical data. At the same time, we were asking for information from the Health Department regarding its quality control/quality assurance procedures.

DORSEY & WHITNEY

Messrs. Hird, Shakman,  
Hansen and Popham  
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During the first week in February you handed us a short memo created by Bill Scruton in 1985 purporting to summarize the QA/QC procedures followed in 1978 and subsequent years. However, the MDH analyses previously furnished fail to show that good QA/QC procedures, such as the routine use of field blanks, were in fact utilized. Therefore, as we continue to prepare for trial, it becomes apparent that the plaintiffs may try to get the MDH data into evidence through the Scruton testimony. This points up the need for us to have the testimony of an analytical chemist, not to lay a foundation for Reilly's data, but to question the weight to be given the MDH data and other data proffered by the plaintiffs.

Accordingly, please be advised that Reilly's experts on analytical data will be Dr. Joseph Brooks or Dr. Mason Hughes of Monsanto Research Corporation, or Gary Wilson of ERT.

Very truly yours,

*Edward J. Schwartzbauer/ml*  
Edward J. Schwartzbauer

EJS:ml

cc: All Counsel of Record  
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Paul G. Zerby, Esq.